



UNITED STATES PATENT &

ADemark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/441,492	05/16/2003	Alexander K. Khairkahan	MVMDINC.1CP2D1	5271

20995 7590 12/22/2003

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

DAWSON, GLENN K

ART UNIT	PAPER NUMBER
----------	--------------

3761

DATE MAILED: 12/22/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

KNOX, MARTENS, OLSON & BEAR, LLP

DEC 23 2003

RECEIVED
ORANGE COUNTY, DOCKETING

Office Action Summary	Application No. 10/441,492	Applicant(s) KHAIRKHAHAN ET AL.	
	Examiner Glenn K Dawson	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Huebsch, et al.-5853422.

Huebsch discloses an occlusive device 10 having a plurality of spokes with bends in the middle. The device is releasably locked to a delivery catheter 40. An inner core has a twist lok mechanism 140 is used and allows the device to be held in both the reduced and expanded configurations. The twist lok 140 142, 144 are rotated to allow for the device to be released from the delivery catheter see col. 6 lines 1-12. Tissue hooks 70 may be used to anchor the device in place relative to neighboring tissue. See col. 7 lines 19-28.

Claims 1-8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsugita, et al.-6371971.

Tsugita discloses a catheter 105 and an inner core 125 having a receptacle 135 having inner threads for receiving outer threads 136 on the proximal end of an occlusive filter basket made of a plurality of expandable spokes col. 13 lines 18-28 detail that a


rotational lock on the filter would allow for coupling to be rotated relative to the filter to allow its removal therefrom.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K Dawson whose telephone number is 703-308-4304. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703-308-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Glenn K Dawson
Primary Examiner
Art Unit 3761

Gkd
13 December 2003

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MVMDINC.1CP2D1	APPLICATION NO. Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Khairkahan, et al.	
		FILING DATE Herewith	GROUP 3761

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
an	53	5,725,568	03/1998	Hastings			
	54	5,733,294	03/1998	Forber et al.			
	55	5,735,290	04/1998	Sterman et al.			
	56	5,749,894	05/1998	Engelson			
	57	5,766,219	06/1998	Horton			
	58	5,776,097	07/1998	Massoud			
	59	5,782,860	07/1998	Epstein et al.			
	60	5,830,228	11/1998	Knapp et al.			
	61	5,836,968	11/1998	Simon et al.			
	62	5,843,118	12/1998	Sepelka et al.			
	63	5,849,005	12/1998	Garrison et al.			
	64	5,865,791	02/02/99	Whayne, et al.			
	65	5,891,558	04/1999	Bell et al.			
	66	5,906,207	05/1999	Shen			
	67	5,935,148	08/1999	Villar et al.			
	68	6,132,438	10/17/00	Fleischman et al.			
	69	6,152,144	11/2000	Lesh et al.			
	70	6,368,338 B1	04/09/02	Konya et al.			
	71	6,391,044 B1	05/21/02	Yadav et al.			
	72	US 2002/0022860 A1	02/21/02	Borillo et al.			
	73	US 2002/0035374 A1	03/21/02	Borillo et al.			
	74	US 2002/0138094 A1	09/26/02	Borillo et al.			

EXAMINER	Davis	DATE CONSIDERED	12.13.03
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.			

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. MVMDINC.1CP2D1	APPLICATION NO. Unknown
	APPLICANT Khairkhan, et al.	
	FILING DATE Herewith	GROUP 3761

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
47	75	WO 96/40356	12/19/96	PCT				
	76	WO 01/30266 A1	05/03/01	PCT				
	77	WO 01/30267 A1	05/03/01	PCT				
	78	WO 01/30268 A1	05/03/01	PCT				
	79	WO 02/15793 A2	02/28/02	PCT				
	80	WO 02/24106 A2	03/28/02	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	

S:\DOCS\JOHN\JOH-3137.DOC:dmb
051903

EXAMINER	Dawn	DATE CONSIDERED	12.13.03
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.			

Notice of References Cited	Application/Control No. 10/441,492		Applicant(s)/Patent Under Reexamination KHAIRKHAHAN ET AL.	
	Examiner Glenn K Dawson		Art Unit 3761	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
✓	A	US-3,874,388	04-1975	King et al.	606/232
✓	B	US-5,853,422	12-1998	Huebsch et al.	606/213
✓	C	US-6,371,971	04-2002	Tsugita et al.	606/200
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

/s/

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MVMDINC.1CP2D1	APPLICATION NO. Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Khalrkahan, et al.	
		FILING DATE Herewith	GROUP 3761

11060 U.S. PTO

10/441492

05/16/03

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
<i>Co</i>	1	3,402,710	09/1968	Paleschuck			
	2	3,540,431	11/1970	Uddin			
	3	3,638,652	02/1972	Kelly			
	4	3,844,302	10/1974	Klein			
	5	3,874,388	04/1975	King et al.			
	6	4,007,743	02/1977	Blake			
	7	4,309,776	01/1982	Berguer			
	8	4,341,218	07/1982	Ü			
	9	4,603,693	05/1986	Contra et al.			
	10	4,665,906	05/1987	Jervis			
	11	4,681,588	07/1987	Ketharanathan			
	12	4,710,192	12/1987	Liotta et al.			
	13	4,917,089	04/1990	Sideris			
	14	4,921,484	05/1990	Hillstead			
	15	5,041,090	08/1991	Scheglov et al.			
	16	5,042,707	08/1991	Taheri			
	17	5,064,435	11/1991	Porter			
	18	5,078,736	01/1992	Behl			
	19	5,108,420	04/1992	Marks			
	20	5,122,136	06/1992	Guglielmi et al.			
	21	5,171,259	12/1992	Inoue			
	22	5,176,692	01/1993	Wilk et al.			
	23	5,192,301	03/1993	Kamiya et al.			
	24	5,234,458	08/1993	Metals			
	25	5,258,042	11/1993	Mehta			
	26	5,284,488	02/1994	Sideris			

EXAMINER

Dawson

DATE CONSIDERED

12.13.03

*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. MVMDC.1CP2D1	APPLICATION NO. Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Khairkahan, et al.	
		FILING DATE Herewith	GROUP 3761

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
67	27	5,304,184	04/1994	Hathaway et al.			
	28	5,306,234	04/1994	Johnson			
	29	5,334,217	08/1994	Das			
	30	5,350,399	09/1994	Erlbacher et al.			
	31	5,375,612	12/1994	Cottenceau et al.			
	32	5,417,699	05/1995	Klein et al.			
	33	5,425,744	06/1995	Fagan et al.			
	34	5,433,727	07/1995	Sideris			
	35	5,443,454	08/1995	Tanabe et al.			
	36	5,443,478	08/1995	Purdy			
	37	5,451,235	09/1995	Lock et al.			
	38	5,464,408	11/1995	Duc			
	39	5,490,856	02/1996	Person et al.			
	40	5,522,790	06/1996	Moll, et al.			
	41	5,522,836	06/1996	Palermo			
	42	5,527,322	06/1996	Klein et al.			
	43	5,527,338	06/1996	Purdy			
	44	5,614,204	03/1997	Cochrum			
	45	5,634,292	07/1997	Hart			
	46	5,634,936	06/1997	Linden et al.			
	47	5,669,933	09/1997	Simon et al.			
	48	5,693,067	12/1997	Purdy			
	49	5,702,421	12/1997	Schneidt			
	50	5,709,224	01/1998	Behl et al.			
	51	5,709,707	01/1998	Lock et al.			
	52	5,725,552	03/1998	Kotula et al.			

EXAMINER <i>Danish</i>	DATE CONSIDERED <i>12-4-03</i>
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	